

Notice of Allowability	Application No.	Applicant(s)	
	10/021,161	LUGG, PAUL S.	
	Examiner	Art Unit	
	Alicia Chevalier	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/16/04.
2. ☒ The allowed claim(s) is/are 23-42.
3. ☒ The drawings filed on 28 February 2003 and 13 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Notice of Allowability

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered original claims 1-22 have been renumbered 1-20, because the original claims were missing claims 7 and 8. Furthermore, currently misnumbered claims 23-42 have been renumbered 21-40.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The base claim is: 21.

It can be summarized as follows:

21. An abrasive article for the deposition and mechanical polishing of a conductive material, the article comprising:

- a polishing layer having
 - a textured surface comprising a binder
 - a second surface opposite the textured surface
 - a first channel extending therethrough
- a backing having

- a first backing surface associated with the second surface of the polishing layer
 - a second backing surface
 - a second channel extending therethrough and coextensive with the first channel
- wherein the first channel and the second channel are dimensioned with respect to one another such that the textured surface of the polishing layer is out of a line of sight extending through said abrasive article.

Note: "Line of sight" refers to the visual field of an observer looking through the abrasive article as defined in the specification on page 3, lines 22-23.

3. The closest prior art found can be summarized as follows:

Piper et al. (US Patent No. 5,152,917) discloses an abrasive article comprising a polishing layer have a textured surface comprising a binder and a second surface opposite the textured surface and a backing having a first backing surface, the first backing surface associated with the second surface of the polishing layer, which is arranged in an ordered profile. The profile comprises grooves (first and second channels) through the polishing layer and into the backing layer. See figures 1 and 3 and col. 7 lines 16-20, 63-68 and col. 8, lines 16-48. The textured surface comprises precisely shaped abrasive composites fixed in a binder.

The prior art fails to teach or suggest the recited wherein the first channel and the second channel are dimensioned with respect to one another such that the textured surface of the polishing layer is out of a line of sight extending through said abrasive article.

Art Unit: 1772

In sum, the prior art of record fails to teach or suggest an abrasive article having all the features of the base claim.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

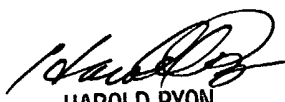
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

4/25/04




HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/26/04